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ABSTRACT

This case study details the events preceeding a collective bargaining vote at Albion College and indicates the outcome and implications for the faculty. Emphasis is placed on background information, preelection events, collective bargaining agents, administrative response, and the elections. Conclusions discuss the advantages and disadvantages of collective bargaining, academic issue-areas that bear watching, and events that may produce an affect on the outcome of the election. (MJM)

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# SPECIAL REPORT #7

# ALBION COLLEGE VOTES

# "NO AGENT:" A CASE STUDY *

by
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## INTRODUCTION:

The vast majority of four-year institutions which have chosen collective bargaining agents to represent faculty are in public colleges and universities. As of March 1974, only 29 faculties at private four-year institutions were represented by agents. Eight of these 29 faculties were unionized during 1973. Rejection of collective bargaining by four-year institutions has been the more frequent pattern. Eighteen of the 21 four-year institutions which have voted against collective bargaining have been at private colleges and universities. One such "no representation" election occurred at Albion College.

Founded in 1835, Albion College is a small, private, coeducational Methodist Church-related college about 80 miles south of Lansing, Michigan. Located in a quiet manufacturing town of about 12,500, it has a prestigious academic reputation throughout Michigan and the Great Lakes area. Many of the 110 faculty, who teach a student enrollment of over 1750, were attracted to Albion because it offered an opportunity to teach at a small college in a harmonious setting. However, serious problems

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* Interviews on which this report is based were given by the President, Executive Vice President, Dean of the Faculty, Associate Dean, three representatives from the American Association of University Professors, three representatives from the Albion Society of Professors, four faculty members who publicly expressed a no-agent position, two faculty members who took no stated position, and one student. Statements made and views expressed in this paper are solely the responsibility of the author.

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appeared on campus during the early 1970's. The culmination of these problems resulted in a collective bargaining election held on October 15, 1973.

PRE-ELECTION EVENTS:

Reasons for faculties' unionization vary from institution to institution. At Albion College a combination of growing financial difficulties, faculty cutbacks and the faculty's perception of their lack of input into the decision-making process led to the collective bargaining vote.

In the 1960's, at many institutions of higher learning, it appeared that there would always be an abundance of students and a shortage of faculty. A decision was made by the Board of Trustees at Albion to allow the college to grow to an enrollment of 2,000. The administration began hiring faculty and constructing buildings to accomodate a student body of that number. By 1970, the National growth pattern had reversed itself. Student population was declining and job-hunting faculty were numerous. A national financial crunch ensued, which Albion did not escape.

The 1971 Carnegie Commision Report, titled The New Depression in Higher Education, reviewed the financial situation at several institutions, including Albion. This report alerted the Albion faculty to the financial collision course of their institution.

The President's Statement of the College Address in Fall 1972 further elaborated on this problem. Deficits were escalating at a rapidly increasing rate. By the 1971-72 academic year the operating deficit reached an accumulated total of $305,136, and in that year alone it was almost $200,000. Immediate action was needed to balance the budget and forestall the closing of the institution.

One course of action designed to achieve a balanced budget was retrenchment of faculty positions. The student-faculty ratio in 1971-72 was 12:1. The Board of Trustees made it clear that it should be raised to 15:1. It was determined that the faculty cutbacks were to be made in departments - such as Music and Modern Language - that had few majors and low course enrollments in relation to the number of faculty employed. Some cuts were accomplished through attrition, but the situation also required some terminal contracts, one of which went to a tenured professor.

Financial problems also dictated other economies. Funds were not available for pay raises. Only a 3 1/2 percent cost-of-living increase was given in the 1973-74 contract. Tuition-free classes for faculty spouses and funded sabbaticals were discontinued. In addition, sabbatical leave was only given if another faculty member was available to teach students.

The faculty's perception of their own lack of input in the decision-making process was another factor which resulted in the collective bargaining vote. There were several sources for this feeling, one being the presidential selection process at Albion in 1970. Candidates suggested by the Faculty-Student Search Committee were either not acceptable to the Search Committee or not approved by the Board of Trustees. Finally, during the summer of 1970, the Board chose one of its own members for this position.

A continuing turnover of Deans and interim Deans of the Faculty weakened the long-term academic leadership of that Office. Faculty members no longer felt they had a representative voicing their concerns in university administration. Paralleling this development, the growing financial crisis led to the appointment of an individual with a broad background in university financial management as Executive Vice President. The vacuum in the Dean's Office and the need to make difficult financial decisions involving faculty and program cutbacks, led faculty to perceive a shift in academic decision-making from the faculty-oriented Dean's Office to the financial offices.

The Albion faculty decision-making apparatus provides for a series of standing committees set within a framework of an Albion College Association, a body which includes all members of a faculty. Some committees, such as those which involve recommendations regarding tenure, sabbatical leaves, college or academic budget, report directly to the administration. On all other matters, any action by the committees must come to the faculty for final approval. Only tenured faculty may serve on the Faculty Affairs Committee, the Budget Advisory Committee, and the Faculty Steering Committee, although non-tenured members may sit on at least ten other major committees and ad hoc task forces. Many of these latter groups have been created recently.

Many faculty members appeared to view the functioning of this system with reservations or disapproval. Individuals who sat on these committees, especially those committees specified above, were viewed by some as having an

important influence on policy outcomes. Non-tenured faculty felt not only unrepresented, but some felt that the membership of the committees perpetuated itself, thereby entrenching the interests of the older and more conservative members. Others, some of whom sit on these committees, had been frustrated by the advisory nature of their recommendations, Policy recommendations, they felt, had not been followed. Changes in committee decisions by administrators not charged with academic responsibility, and implementation of some policies without faculty preparation or consideration, had made administrative actions appear arbitrary and capricious. Increasing alienation was evident in the one and one-half years before the drive for a collective bargaining election began.

COLLECTIVE BARGAINING AGENTS:

Members of the campus AAUP chapter became interested in the phenomenon of collective bargaining in the fall of 1972. Discovering this, the Michigan Association of Higher Education (an NEA affiliate) arranged several meetings with them on that subject. A split within the AAUP group occurred during the winter of 1972-73. One segment wanted to begin the circulation of authorization cards since they saw collective bargaining as the only alternative. The other wanted to examine more thoroughly the phenomenon of collective bargaining. The former group became the Albion Society of Professors (ASP). In reaction to the ASP's circulation of cards, the AAUP, following a vote of its local membership determined that it, too, would seek to represent the Albion faculty. Thirty percent of the cards of both groups were signed within a month. Members of the ASP signed AAUP cards and maintained membership in AAUP, and at least one maintained an elected office in AAUP. In March 1973, the ASP filed a petition with the National Labor Relations Board. The following month, a hearing concerning the constituency of the faculty bargaining unit was held and an agreement was made between the ASP and AAUP groups and the university administration. In some institutions there has been a great diversity of opinion among all groups as to who should be included or excluded. The only source of difficulty in the Albion case was whether part-time faculty should be included. In return for some other inclusions, the administration was successful in having part-time faculty excluded. The final composition of the unit included all tenured and non-tenured regular full-time personnel with faculty rank whether under contract or on leave; professional librarians holding faculty rank; coaches; developing skill center personnel with faculty rank; counseling center personnel with faculty rank; and department chairmen.

At this same hearing, the date for the election was set for October 15, 1973.

The Albion Society of Professors, with a core group of 10 to 15 members, affiliated with the Michigan Association for Higher Education (MAHE) since that group was immediately willing to provide the costs of organizing and running an election campaign. MAHE, the state association of the National Education Association, provided about $300.00 for postage, paper and printing costs, rental of meeting facilities and part-time clerical help. In addition, three or four individuals were provided as speakers, as well as field personnel from Lansing and Battle Creek. The total financial commitment from the state association was under $1,000.00.

As mentioned above, a split existed within the local AAUP chapter as to whether collective bargaining should be pursued. The nucleus of those who wished to do so formed a Steering Committee composed of six individuals. Once the decision was made to participate in the election, the local requested and received help from the national AAUP. The national organization covered the complete campaign costs of their affiliate and provided speakers both from Michigan and the national office in Washington. As with the ASP, The total financial commitment from outside sources was less than one thousand dollars.

There were two primary issues in the campaign: job security and academic governance. The former was the principal concern of the ASP and the latter of the AAUP. The cutting of faculty positions in departments that had especially low student enrollment for the number of faculty members on the staff, greatly threatened the non-tenured faculty. Some ASP officers thought many of the dismissals were being used as an excuse to get rid of people who were not liked. In addition, the reduction of departments, in the ASP view, was strictly on the basis of financial exigency, rather than professional or educational merit. They argued that the administration was no longer concerned whether students should have the option to take a course, only whether the financial resources were available for its existence. Increasing economic pressures from the college employees who were already unionized (secretaries and plant maintenance employees), they feared, would force the administration to make budget cuts which would further reduce academic programs, reduce the number of faculty, keep faculty salaries modest, and increase faculty workload.

As a result of the ASP stance, many younger, non-tenured professors from departments facing cutbacks joined this group. The ASP campaign strategy was to rely on the dissemination of newsletters and other material, and on meetings to clarify the issues as they saw them.

The issue which was central to the AAUP's campaign was campus governance. This group felt that the traditional system of institutional governance -- where responsibility for decision-making is shared by trustees, administrators, faculty and students -- was being eroded. They argued that many functions such as curriculum development, methods of instruction, and, of prime importance, the hiring and dismissal of faculty, which are primarily the responsibility of faculty, had been at times usurped by the administration. Committees at times had not acted on important matters, or had yielded to the subtle influence and pressure of the administration. The Albion College Board of Trustees, the AAUP felt, had too often legislated in areas of faculty concern without faculty consultation or proper regard for faculty interests. And, most importantly, the Office of the Dean of the Faculty had become weak in power and responsibility.

The basic strategy of the AAUP campaign was to disseminate as much information as possible, while presenting the issues and the AAUP's suggested alternatives in a calm and rational manner.

Although there was no unified opposition by faculty members against the unionization effort, several faculty members publicly stated their opposition to collective bargaining. Some argued that an adversarial relationship would be created between faculty and administration; that trustees and donors would cease to support the college financially because the money would be used for purposes which they could no longer control; and that faculty life would become regimented under a bargaining agent. For others, collective bargaining evoked an emotional response -- a feeling that it was a solution for workers, but not for professionals.

Albion is a small campus, and all 110 faculty members eligible to vote in the election were sensitized to the issues involved in the campaign. Three general discussion sessions sponsored by the unions were held for faculty members in which the ASP, AAUP, and various individuals opposing collective bargaining, presented their views. Each of the contending unions held meetings with outside speakers. Much literature was distributed by all contending parties (except the administration) and a file on collective bargaining was maintained in the library. Polls were also taken to determine how faculty members would vote. In light of these efforts and of the general discussion of collective bargaining on campus, it was virtually impossible for a faculty member not to be aware of the issues. This was reflected in the number of faculty who went to the polls. Only four of the 110 faculty failed to vote, two of whom were not on campus at the time.

ADMINISTRATIVE RESPONSE:

On advice of counsel, the President made only one major statement, which was delivered immediately prior to the first election. In his address, he said that, if necessary, he was willing to live with collective bargaining. But he outlined the negative effects he felt it would have on the Albion campus.

In general, the administration's strategy appeared to be one of silence. Some faculty felt the President should not have made even the statement he did, since it produced, in their opinion, some union votes. This group maintained that any statement which appeared to advocate a hard line or seemed unreasonable could only provoke further problems for the administration. There was no way, they felt, that the administration could benefit from confrontation. Other faculty felt that the administration did not really feel neutral on the subject of bargaining, since a majority vote for an agent would force it into negotiating a variety of economic and educational issues. Therefore, in their opinion, it was in the best interests of the administration to make its real views known.

From the viewpoint of many faculty, perhaps the most important step that was taken was the hiring of a new Dean of Faculty to replace the Dean who resigned during the spring of 1973. Many faculty members had spoken to the new Dean during his interviews on campus. They made him aware of their views, and they were favorably impressed with his responses. The President made known publicly his staunch support for the Dean and his determination to rely on that Office for academic decisions.

Other changes made by the administration during the fall of 1973 included reinstitution of sabbaticals for faculty and tuition remission for faculty spouses; introduction of a new evaluation procedure for all faculty; creation of a special task force to begin study on a grievance procedure; development of a new salary step system which awarded faculty a certain amount for "merit" and a certain amount for "equity adjustments"; and provision for a total of seven percent in the fund for salary increases (five percent across-the-board pay increase and two percent distributed among faculty for other considerations).

THE ELECTIONS:

The first election was a surprise to many since some polls taken had predicted a clear "no agent" victory. The results were: 52 no-agent votes; 31 AAUP votes; 24 ASP votes; and six challenged votes. Three of the challenges were discarded by the NLRB. Hence, even if the AAUP or no-agent adherents received all three of the remaining valid votes, neither would have had enough to be declared the winner. Since the no-agent option failed to have more than half the votes recorded, a runoff election was required between the two top contenders. ASP, therefore, was dropped from the ballot of the runoff which was scheduled for November 14, 1973.

An unusual event then occurred. Faculty supporting no-agent and several AAUP leaders (it must be remembered that segments of this group were not fully committed to collective bargaining) attempted to formulate an agreement between the AAUP and the administration that would guarantee changes in college academic procedures without a runoff vote. This effort proceeded in two ways. First, a group of no-agent people circulated a petition, which sixty-five faculty members signed, supporting basic changes in academic policy making. Second, the AAUP chapter solicited proposals from faculty members to affect these procedural changes. This method, it appeared, would give both faculty and administration what they wanted: the administration would avoid a unionized campus and faculty would achieve fundamental changes in procedures, specifically a direct decision-making authority on academic questions. However, NLRB rules state that an employer may not make any kind of offer that might be construed as an attempt to influence votes, as long as there is an election pending. Even if the AAUP agreed not to complain to the NLRB about this violation, any individual faculty member who felt his or her rights were endangered could have legitimately filed a complaint. On advice of counsel, the administration refused to agree to any such bargain.

The results of the runoff election were 54 votes for no-agent and 44 for the AAUP. A change of six votes would have instituted faculty bargaining at Albion College.

The no-agent vote at Albion is attributed to a variety of factors. Many faculty who voted no-agent did so to give the new Dean an opportunity to prove himself. While the administration regards the changes in policy cited above as policies that would have been instituted under any conditions, many faculty members regard them as beneficial effects resulting from the collective bargaining campaign. In addition to these important influences, some view the divisions within the ASP and AAUP and their

lack of a solid front as contributing to a no-agent vote. This was especially true of the AAUP, which included many no-agent people within its ranks. In the month prior to the runoff election, there was almost no AAUP campaigning, while the group tried to decide where it stood on the collective bargaining issue.

Others see the large union vote as registering faculty feeling that many campus policies and practices needed change.

CONCLUSIONS:

The advantages and disadvantages of collective bargaining are still discussed in a general way at Albion College, although there is little open discussion among the ASP and AAUP membership of a new collective bargaining campaign. This does not mean, however, that faculty members are completely satisfied with the administration's approach to problem solving. Many faculty members appear to be playing a watching and waiting game. There are two aspects in this posture. Of crucial importance is the role of the academic dean. If he represents the interests of the faculty, the faculty are likely to be satisfied. If, in the struggle to decide policy matters, the faculty perceives that academic decisions are being made without the advice of that office, dissension between faculty and administration could reappear.

Second, decisions in several key academic issue-areas bear watching. Faculty cutbacks still need to be made in Spring, 1974. Projected student enrollments for Fall, 1974 are down. If this drop materializes, further faculty cuts may be necessary. These new developments could cause new problems for the administration. Other areas of faculty concern include: decisions concerning faculty salary increases, tenure quotas, hiring practices and procedures, and faculty workloads. Faculty members want their voice heard in deciding policy in these areas. How the administration responds to these issues could well determine future faculty interest in collective bargaining.

There are certain aspects of the Albion election and events surrounding it which should receive special consideration from administrators at other institutions. The first aspect deals with governance. It appears advisable to have the locus of decision-making placed visibly in the hands of those with the authority and expertise to make decisions on certain types of policy. Faculty became disgruntled at Albion when the individuals appointed to represent their

interests in the administration seemed to be rendered ineffective and when, in their opinion, committee recommendations on many issues were no longer heeded. At this point, faculty began to view the decision-making apparatus as authoritarian and arbitrary.

Secondly, it may not be advisable for an administration to assume an antagonistic posture during an election campaign. There is some evidence in the Albion case to suggest that any hostility by the administration would have promoted rather than impeded an agent vote. Although the administration maintains that it would have made the same changes in procedure and policy with or without a collective bargaining campaign, its efforts were viewed as positive and conciliatory by the faculty.

One additional reason for assuming a non-antagonistic stance is that an administration can find itself trying to negotiate a contract with this same group of faculty members. The less contention in the election proceedings, the better the chance for smooth negotiations.

Lastly, and in connection with the point above, the administration at Albion adhered closely to the procedures established both in the faculty handbook and those required by the National Labor Relations Act (NLRA), being careful to avoid any activity that could be construed as an unfair labor practice. Following legal procedures established by the NLRA may not produce a no-agent vote, but failure to follow them may help to produce an agent vote.